

AMENDED IN SENATE AUGUST 16, 2011

AMENDED IN SENATE JULY 11, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Galgiani
(Coauthor: Assembly Member Perea)
(Coauthor: Senator Rubio)

February 8, 2011

An act to add Section 185034.3 to the Public Utilities Code, relating to high-speed rail, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Galgiani. High-speed rail: agricultural lands.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. Various federal laws provide funding for allocation nationally to high-speed rail and other related projects.

This bill would require the authority to appoint an agricultural advisory committee with 9 members from a list of nominees recommended by the Secretary of Food and Agriculture. The bill would require the authority to consult with the committee and to reflect the committee's comments on authority policies and related matters in any action item brought before the board of the authority.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The agricultural industry is concerned that the High-Speed
- 4 Rail Authority is not preserving agricultural lands in its planning
- 5 activities.
- 6 (b) Proposed plans for high-speed rail alignments divide parcels,
- 7 separating wells from growing fields, leaving some farmers without
- 8 access to water or otherwise adversely affecting irrigation systems.
- 9 (c) Proposed plans cause some parcels to be orphaned, without
- 10 egress, and potentially unprofitable.
- 11 (d) Loss of agricultural lands creates long-term loss of revenues
- 12 to farm families, farmworkers and their families, and related
- 13 agricultural business suppliers, processors, and handlers.
- 14 (e) California farmland is some of the most fertile farmland in
- 15 the world and is not a renewable resource.
- 16 (f) Many potentially impacted lands are considered heritage
- 17 lands, having been farmed and preserved by the same family for
- 18 over 100 years.
- 19 (g) California farmers and ranchers are major contributors to
- 20 local, state, and national economies, providing employment to
- 21 many and generating a domestic food supply.
- 22 (h) The High-Speed Rail Authority's stated policy on its impacts
- 23 to industries is to avoid, minimize, and mitigate those impacts.
- 24 (i) It is the intent of the Legislature that the authority's policies
- 25 should be followed, and that impacts should be avoided and
- 26 minimized, and then any remaining impacts on agriculture and
- 27 resulting problems from high-speed rail construction should be

1 fully mitigated. Mitigation considerations should not be limited
2 to conventional practices, but should also include options used by
3 other states and nations, or new mitigation options not previously
4 implemented.

5 SEC. 2. Section 185034.3 is added to the Public Utilities Code,
6 to read:

7 185034.3. (a) The authority shall appoint an agricultural
8 advisory committee from a list of nominees recommended by the
9 Secretary of Food and Agriculture. The purpose of the committee
10 is to advise the authority on the impact that authority policies,
11 plans, practices, and procedures will have on the agricultural
12 community. The authority shall consult with the agricultural
13 advisory committee prior to adopting any policy relevant to
14 agriculture, and reflect the comments of the advisory committee
15 in any action item to adopt a policy or other action that is brought
16 before the board of the authority. The authority shall provide
17 written responses to the committee's comments, which shall be
18 distributed both to the board and the committee.

19 (b) The agricultural advisory committee shall consist of nine
20 members, representing specific areas proposed to be affected by
21 plans for high-speed rail. The membership shall change to reflect
22 areas affected by each planning phase. Each member shall be active
23 in a farming or agricultural enterprise or in an agricultural or related
24 trade organization, and have technical expertise in one or more
25 farm-related activities, including, but not limited to, well drilling,
26 irrigation systems, animal husbandry, harvesting, processing, and
27 agricultural transportation.

28 (c) Nothing in this section shall be construed to affect any other
29 requirements that may be imposed by law for the authority to
30 respond to public comments submitted to the authority in writing
31 or at public hearings.

32 SEC. 3. *This act is an urgency statute necessary for the*
33 *immediate preservation of the public peace, health, or safety within*
34 *the meaning of Article IV of the Constitution and shall go into*
35 *immediate effect. The facts constituting the necessity are:*

36 *In order for the agricultural advisory committee set forth in*
37 *Section 2 of this act to have an impact on the planning process for*
38 *the high-speed rail system, and in consideration of the actions of*
39 *the High-Speed Rail Authority to meet federal deadlines that*

- 1 *require construction contracts to be in place by September 2012,*
- 2 *it is necessary for this act to take effect immediately.*

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